IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10239 OF 2004

Rajesh Ramanlal Patel. .. .. Petitioner
v/s.
State of Mah. & anr. .. .. Respondents

Mr.M.S.Karnik for petitioner.

Mr.R.M.Patne, AGP for res.Nos.1 & 2.

CORAM : H.L. GOKHALE &
SMT.R.S.DALVI, JJ.

DATE : 29th June 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The deceased father of the petitioner had two retail kerosene licences. The State Government passed a resolution on 22nd February 1990 that in one family there should be only one licence. The petitioner was served with the notice calling upon him as to why his licence should not be cancelled. He had succeeded to one licence of his father and the other was transferred to the name of his sister-in-law. The District Supply Officer, who is respondent No.2, held an enquiry and found that the licence, which was transferred to the name of the sister-in-law, was having the earlier number. In view of that position, he rejected the application of the

petitioner to continue with the dealership on the basis of the licence of his father. That order was passed on 7th August 2004.

3. Mr.Karnik, learned Counsel appearing for the petitioner, accepts that the said licence has been cancelled thereafter and the business is presently not run by the petitioner. He, however, points out that an appeal being Appeal No.98 of 2004, has been filed to the Deputy Commissioner, Supply, in-charge of Nashik District. Inasmuch as this appeal has been filed, which is an alternative remedy, we are of the view that the appeal should be first heard and decided. In the event, the order is adverse to the petitioner, he may consider whether he should challenge it at that stage. The petition, therefore, stands disposed of with a direction to the Deputy Commissioner, Supply, Nashik, to dispose of the pending appeal which he should decide within eight weeks from the receipt of this order.

(H.L. GOKHALE, J.)

(SMT. R.S.DALVI, J.)